

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>LEONARD MAZZOLA,</b>  <i>Plaintiff,</i>  vs.  <b>ANTHONY TOGLIATTI, et al.</b>  <i>Defendants.</i>	Case No. 1:19-CV-02519  Judge James S. Gwin  Magistrate Judge David A. Ruiz
<b>PLAINTIFF MAZZOLA’S RESPONSE TO DEFENDANTS’ MOTION TO EXCUSE APPEARANCE AT MEDIATION</b>	

As Plaintiff Leonard Mazzola informed defense counsel before Defendants filed their motion to excuse (Doc. 27), Mr. Mazzola does not oppose the motion—as long as Defendants confirmed via email that

- (1) Independence Mayor Greg Kurtz personally will appear for mediation on Defendant City of Independence’s behalf, and
- (2) all other individual Defendants—cognizant of their separate punitive-damages exposure and Plaintiff’s demands—will remain available as needed on mediation day to participate by video.

Mr. Mazzola also asked defense counsel to consider the importance of Defendant Gregory O’Brien’s participation because of his role as law director, familiarity with certain key facts, and the anticipated need to discuss non-monetary aspects of potential resolution.

Mr. Mazzola does not want the mediation to fail because Defendants have divergent interests (e.g., Mayor Kurtz and Defendant former mayor Togliatti are political rivals) and divergent damages exposures and settlement prospects (e.g., only the individual Defendants face

punitive-damages exposure). Nor should mediation fail because only certain participants were made available.

After filing their motion, defense counsel confirmed by email that Mayor Kurtz and Defendant O'Brien will participate. But counsel did not specifically confirm that all the other individual Defendants will remain available by video, saying instead that they are "still working through" who will attend.

As long as Mayor Kurtz represents the City, *and* all other Defendants including O'Brien remain *available* to participate by video as needed, Mr. Mazzola does not object to the motion.

Dated: May 15, 2020

Respectfully submitted,

/s/Subodh Chandra

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<sup>1</sup> Ms. Savoie is admitted to practice in this Court. She is licensed to practice in Louisiana and certified to practice pending admission in Ohio. (Practice temporarily authorized pending admission under Gov. Bar R. I., Sec. 19. Ohio Attorney Registration No. 0099330).